

United States District Court
Northern District of California

GARY L. LEWIS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No.: C 4:12-4258 KAW

ORDER TO SHOW CAUSE REGARDING
FAILURE TO FILE MOTION FOR
SUMMARY JUDGMENT

Plaintiff is *pro se* and proceeds *in forma pauperis* in this social security case. The parties have consented to the jurisdiction of a magistrate judge. *See* 28 U.S.C. § 636(c).

Pursuant to the Court's social security procedural order, Plaintiff was required to file a motion for summary judgment within 28 days of service of Defendant's answer. Defendant's answer was filed, and served on Plaintiff by mail, on January 17, 2013. Dkt # 20, 22. Plaintiff's motion was therefore due on February 14, 2013, but Plaintiff has not filed a motion.

Plaintiff has filed several other documents with the Court. On December 21, 2012, after the Court had struck Defendant's motion to dismiss, Plaintiff filed a document titled, "Plaintiff resistance amended pleading for right for notice of motion and memorandum in support of motion to dismiss." On January 17, 2013, Plaintiff filed a document titled, "Plaintiff responsive pleading amended in opposition of continuous order striking Commissioner's motion to dismiss for memorandum in support of motion to dismiss Plaintiff's complaint." Dkt # 23. On January 23, 2013, Plaintiff filed a document titled, "Plaintiff's impleader amended pleading for right in opposition administrative transcript manual filing notification in support of motion to dismiss Plaintiff's complaint." Dkt # 25. On January 30, 2013, Plaintiff filed a document titled, "Plaintiff's pleading amended in opposition to improper variance in support of motion to dismiss Plaintiff's complaint." Dkt # 26.

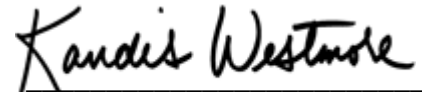
1 The filings cite various doctrines and authority in a rambling fashion, making varied
2 arguments that are difficult to understand and do not appear to be relevant to this case, which is a
3 social security case. See Compl. at 1 ("Complaint for Judicial Review of Decision of the
4 Commissioner of Social Security"), 2 ("this court has jurisdiction pursuant to Title 42, U.S.C.
5 §405(g)"). As far as the Court can discern, none of the filings request any clear relief from the
6 Court. None of the filings explain why a final decision of the Commissioner of Social Security
7 denying benefits to Plaintiff should be reversed. Indeed, the filings do not even appear to discuss
8 such a decision. None of the filings can be construed as a motion for summary judgment.

9 Accordingly, it is hereby ordered that within fourteen days of the date of this order,
10 Plaintiff shall show cause why his case should not be dismissed for failure to prosecute, and shall
11 file his motion for summary judgment.

12 Failure to comply with this order will result in the dismissal of the case.

13 It is so ORDERED.

14
15 Dated: February 27, 2013



KANDIS A. WESTMORE
United States Magistrate Judge